

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case Number: CR 05 1849 JH
)
DENNIS WILSON,)
)
Defendant.)

APPEAL OF ORDER OF DETENTION

The Defendant, Dennis Wilson, by his attorney, Robert J. Gorence & Oliveros, P.C., respectfully requests the Court to vacate the Order of Detention that was entered May 1, 2006, and to set conditions of release pursuant to 18 U.S.C. § 3142 et. seq. As grounds for this motion, Defendant states:

1. On May 1, 2006, at the hearing on this matter before United States Magistrate Judge Lorenzo Garcia, the government never presented any testimony to support that Mr. Wilson was either a flight risk or a danger to the community. As such the court never had the opportunity to examine the 18 USC 3142(g) factors - particularly the (g)(2) factor of the "weight of the evidence against the person." At the hearing on the appeal Mr. Wilson will present evidence that he has substantial ties to Taos County, New Mexico, that he is a U.S. citizen, and that he will obviously relinquish his passport if required by the court. Mr. Wilson understands and appreciates the serious consequences of flight, and the effect it would have on his ability to defend himself on these charges. Mr. Wilson understands that flight would be futile because in an ever shrinking world there is no place to run. Mr. Wilson will promise to abide by all of the

conditions of release imposed by the Court. This evidence should overcome any possible concern the court may have regarding flight.

2. Mr. Wilson will overcome the presumption of dangerousness to the community at an evidentiary hearing. He is not a violent person and he does not have a history of violent behavior. The risk of danger associated with continued alleged drug dealing can be rebutted by the most stringent conditions possible, including electronic monitoring.

3. Mr. Wilson has worked the last eight years with his son Dennis Wilson, Jr. running a construction business. The family owns valuable land in Taos County and the land could be posted with the court as a bond if deemed necessary by the court.

4. Mr. Wilson's release to a third-party custodian touches on his ability to receive a fair trial in this matter. Mr. Wilson has retained counsel of his choice. The trial in this matter will entail significant discovery and presumably is months away from starting.

5. Mr. Wilson requests that he be released to the third party custody of his wife Judy Wilson and that he be allowed to reside with his wife Judy at 4028 Hwy 68, Rancho de Taos, New Mexico 87557. In the alternative Mr. Wilson requests that he be released to La Posada halfway house.

6. AUSA James R.W. Braun opposes this motion.

WHEREFORE, for the reasons stated above, Defendant respectfully requests this Court reconsider the Order of Detention which was entered on May 1, 2006, and to set conditions of release.

Respectfully submitted,

Electronically filed: 5/17/06

Robert J. Gorence

Gorence & Oliveros, P.C.

Attorneys for Defendant Dennis Wilson

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been faxed to AUSA James R.W. Brawn this 17th day of May, 2006.

Electronically filed: 5/17/06

ROBERT J. GORENCE